

Notice of Allowability

Application No.

09/737,639

Examiner

Blaine Basom

Applicant(s)

AUSTIN, PAUL F.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment, received 11/10/2005.
2. ☒ The allowed claim(s) is/are 43,44,46-50,52-57,59-62 and 64-66.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey C. Hood on February 3, 2006.

The application has been amended as follows:

In claim 44, lines 2-3, replace "for this operation" with "to receive and display data from the specified data source".

Allowable Subject Matter

Claims 43-44, 46-50, 52-57, 59-62, and 64-66 are allowed. The following is an examiner's statement of reasons for allowance:

Regarding each of claims 43, 57, 59, 60, and 66, the prior art (e.g. U.S. Patent No. 6,425,121 and U.S. Patent No. 6,560,557) teaches a program development environment for the creation of an executable graphical program that comprises a block diagram and a user interface, the block diagram comprising a plurality of connected nodes which visually indicate functionality of the graphical program. Such programs created within such program development environments may receive and display data, e.g. measurement data, from a data source. The prior art (e.g. U.S. Patent No. 6,760,902 and U.S. Patent No. 5,969,717) further

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teaches program development environments which programmatically, i.e. automatically via a computer program, select a GUI element for inclusion in a program under development, the selection being based on the data type of data to be displayed in the GUI element. A notoriously well known means of specifying data sources is via URLs. The prior art, however, provides no suggestion or teaching of combining such concepts, and thus the prior art fails to teach receiving user input specifying a URL of a data source, the user input received within a program development environment during creation of a graphical program, whereby the graphical program comprises a user interface and a block diagram having a plurality of connected nodes that indicate the functionality of the graphical program, whereby a GUI element is automatically selected based on the data type of data provided by the data source, and whereby the GUI element is automatically displayed in the user interface and configured to receive and display data from the data source, as is expressed in each of claims 43, 57, 59, 60, and 66.

Claims 44, 46-50, 52-56, and 61, depend on claim 43, and include all of the limitations of claim 43. Accordingly, claims 44, 46-50, and 52-56 are allowed for the reasons in which claim 43 is allowed.

Claim 62 depends on claim 57, and includes all of the limitations of claim 57. Accordingly, claim 62 is allowed for the reasons in which claim 57 is allowed.

Claim 64 depends on claim 59, and includes all of the limitations of claim 59. Accordingly, claim 64 is allowed for the reasons in which claim 59 is allowed.

Claim 65 depends on claim 60, and includes all of the limitations of claim 60. Accordingly, claim 65 is allowed for the reasons in which claim 60 is allowed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb
2/3/2006

A handwritten signature in black ink, appearing to read "T. Basom", is written over the typed name "Blaine Basom" in the signature block.